UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN CAPANNARI, et al.	:	
	:	Case No. 1:13-cv-883
Plaintiffs,	:	
	:	District Judge Michael R. Barrett
vs.	:	
	:	
GLEN GALEMMO, et al.	:	
	:	
Defendants.	:	

THE UNITED STATES' MOTION FOR ACCESS TO SEALED DEPOSITION

The United States of America respectfully moves this Court for an order permitting it access to the deposition of Glen Galemmo, with attachments, which were filed manually under seal (Notice, ECF No. 231) in accordance with the Court's Protective Order (ECF No. 90).

Disclosure of the deposition to the United States is necessary for it to adequately prepare for and conduct an evidentiary hearing scheduled before Hon. Sandra S. Beckwith in Case No. 1:13-cr-141 on August 30, 2016.

MEMORANDUM IN SUPPORT

The entry of a protective order is within the discretion of the Court. *Proctor & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996). Where the Court has entered a protective order, however, the order is "subject to modification to meet the reasonable requirements of parties in other litigation." *Meyer Goldberg Inc. of Lorain v. Fisher Foods, Inc.*, 823 F.2d 159, 164 (6th Cir. 1987) (internal citations omitted).

The United States is not a party to this lawsuit. Rather, the United States has appeared pursuant to 28 U.S.C. § 517 where necessary to address issues relating to the United States' criminal prosecution of Glen Galemmo in Case No. 1:13-cr-141. For that reason, the United States has not participated in discovery in this lawsuit and has not attended the parties' depositions.

Glen Galemmo was deposed in this lawsuit on September 30, 2014 and October 1, 2014. (Notice, ECF No. 171.) The deposition is believed to have addressed much of the same conduct to which Glen Galemmo pleaded guilty and was ultimately convicted. The deposition was designated confidential and filed under seal pursuant to the Court's standing protective order in this lawsuit. (Notice, ECF No. 231.)

The United States requests that the Court grant the United States limited relief from the Court's Protective Order. In Case No. 1:13-cr-141, Glen Galemmo has filed a motion under 28 U.S.C. § 2255, and an evidentiary hearing will be held before Judge Sandra S. Beckwith on August 30, 2016. The United States anticipates that Mr. Galemmo will testify at that hearing, and access to Mr. Galemmo's deposition will permit the United States to adequately prepare for the hearing and ensure that Mr. Galemmo does not offer testimony in the criminal proceedings contrary to his sworn testimony in this case.

Respectfully submitted,

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s/Matthew J. Horwitz
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed via the Court's CM/ECF system this 17th day of August, 2016 and has been electronically served upon all counsel of record. A copy of the foregoing was also served by regular U.S. Mail on the following:

Glen Galemmo
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